

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 3266**

**OFFERED BY M—.** \_\_\_\_\_

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Faster and Smarter Funding for First Responders Act  
4 of 2004”.

5 (b) TABLE OF CONTENTS.—The table of contents for  
6 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Faster and Smarter Funding for First Responders.

**“TITLE XVIII—FUNDING FOR FIRST RESPONDERS**

- “1801. Faster and smarter funding for first responders.
- “1802. Essential capabilities for first responders.
- “1803. Covered grant eligibility and criteria.
- “1804. Use of funds and accountability requirements.
- “1805. National standards for first responder equipment and training.
- “1806. Definitions.

Sec. 4. Modification of Homeland Security Advisory System.

“Sec. 203. Homeland Security Advisory System.

Sec. 5. Coordination of industry efforts.

Sec. 6. Superseded provision.

Sec. 7. Sense of Congress regarding interoperable communications.

Sec. 8. Sense of Congress regarding Citizen Corps councils.

Sec. 9. Study regarding nationwide emergency notification system.

Sec. 10. Authorization of appropriations.

**7 SEC. 2. FINDINGS.**

8 The Congress finds the following:

9 (1) In order to achieve its objective of mini-  
10 mizing the damage, and assisting in the recovery,



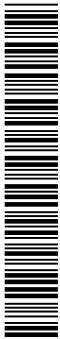
1 from terrorist attacks, the Department of Homeland  
2 Security must play a leading role in assisting com-  
3 munities to reach the level of preparedness they need  
4 to respond to a terrorist attack.

5 (2) First responder funding is not reaching the  
6 men and women of our Nation's first response teams  
7 quickly enough, and sometimes not at all.

8 (3) To reform the current bureaucratic process  
9 so that homeland security dollars reach the first re-  
10 sponders who need it most, it is necessary to clarify  
11 and consolidate the authority and procedures of the  
12 Department of Homeland Security to support first  
13 responders.

14 (4) Ensuring adequate resources for the new  
15 national mission of homeland security requires a dis-  
16 crete and separate grant making process for home-  
17 land security funds for first response to terrorist  
18 acts, on the one hand, and for first responder pro-  
19 grams designed to meet pre-9/11 priorities, on the  
20 other.

21 (5) Homeland security grants to first respond-  
22 ers must be based on the best intelligence con-  
23 cerning the capabilities and intentions of our ter-  
24 rorist enemies, and that intelligence must be used to



1 target resources to the Nation's greatest risks,  
2 vulnerabilities, and consequences.

3 (6) The Nation's first response capabilities will  
4 be improved by sharing resources, training, plan-  
5 ning, personnel, and equipment among neighboring  
6 jurisdictions through mutual aid agreements and re-  
7 gional cooperation. Such regional cooperation should  
8 be supported, where appropriate, through direct  
9 grants from the Department of Homeland Security.

10 (7) An essential prerequisite to achieving the  
11 Nation's homeland security objectives for first re-  
12 sponders is the establishment of well-defined na-  
13 tional goals for terrorism preparedness. These goals  
14 should delineate the essential capabilities that every  
15 jurisdiction in the United States should possess or  
16 to which it should have access.

17 (8) A national determination of essential capa-  
18 bilities is needed to identify levels of State and local  
19 government terrorism preparedness, to determine  
20 the nature and extent of State and local first re-  
21 sponder needs, to identify the human and financial  
22 resources required to fulfill them, and to direct fund-  
23 ing to meet those needs and to measure prepared-  
24 ness levels on a national scale.

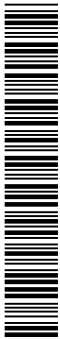


1           (9) To facilitate progress in attaining essential  
2           capabilities for State and local first responders, the  
3           Department of Homeland Security should seek to al-  
4           locate homeland security funding for first responders  
5           to meet nationwide needs.

6           (10) Private sector resources and citizen volun-  
7           teers can perform critical functions in assisting in  
8           preventing and responding to terrorist attacks, and  
9           should be integrated into State and local planning  
10          efforts to ensure that their capabilities and roles are  
11          understood, so as to provide enhanced State and  
12          local operational capability and surge capacity.

13          (11) Public-private partnerships, such as the  
14          partnerships between the Business Executives for  
15          National Security and the States of New Jersey and  
16          Georgia, can be useful to identify and coordinate pri-  
17          vate sector support for State and local first respond-  
18          ers. Such models should be expanded to cover all  
19          States and territories.

20          (12) An important component of national  
21          standards is measurability, so that it is possible to  
22          determine how prepared a State or local government  
23          is now, and what additional steps it needs to take,  
24          in order to respond to acts of terrorism.



1           (13) The Department of Homeland Security  
2           should establish, publish, and regularly update na-  
3           tional voluntary consensus standards for both equip-  
4           ment and training, in cooperation with both public  
5           and private sector standard setting organizations, to  
6           assist State and local governments in obtaining the  
7           equipment and training to attain the essential capa-  
8           bilities for first response to acts of terrorism, and to  
9           ensure that first responder funds are spent wisely.

10 **SEC. 3. FASTER AND SMARTER FUNDING FOR FIRST RE-**  
11 **SPONDERS.**

12           (a) IN GENERAL.—The Homeland Security Act of  
13 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.) is  
14 amended—

15           (1) in section 1(b) in the table of contents by  
16 adding at the end the following:

“TITLE XVIII—FUNDING FOR FIRST RESPONDERS

“1801. Faster and smarter funding for first responders.

“1802. Essential capabilities for first responders.

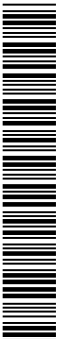
“1803. Covered grant eligibility and criteria.

“1804. Use of funds and accountability requirements.

“1805. National standards for first responder equipment and training.

“1806. Definitions.”; and

17           (2) by adding at the end the following:



1       **“TITLE XVIII—FUNDING FOR**  
2               **FIRST RESPONDERS**

3       **“SEC. 1801. FASTER AND SMARTER FUNDING FOR FIRST RE-**  
4               **SPONDERS.**

5           “(a) COVERED GRANTS.—This title applies to any  
6 grant provided by the Department to States or regions to  
7 improve the ability of first responders to prevent, prepare  
8 for, respond to, or mitigate threatened or actual terrorist  
9 attacks, especially those involving weapons of mass de-  
10 struction, and including any grant under the following:

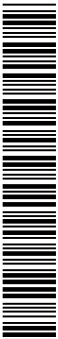
11           “(1) STATE HOMELAND SECURITY GRANT PRO-  
12       GRAM.—The State Homeland Security Grant Pro-  
13       gram of the Department, or any successor to such  
14       grant program.

15           “(2) URBAN AREA SECURITY INITIATIVE.—The  
16       Urban Area Security Initiative of the Department,  
17       or any successor to such grant program.

18           “(b) EXCLUDED PROGRAMS.—This title does not  
19 apply to or otherwise affect the following Federal grant  
20 programs or any grant under such a program:

21           “(1) NONDEPARTMENT PROGRAMS.—Any Fed-  
22       eral grant program that is not administered by the  
23       Department.

24           “(2) FIRE GRANT PROGRAMS.—The fire grant  
25       programs authorized by sections 33 and 34 of the



1 Federal Fire Prevention and Control Act of 1974  
2 (15 U.S.C. 2229, 2229a).

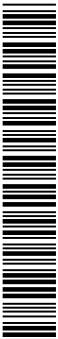
3 “(3) EMERGENCY MANAGEMENT PLANNING  
4 AND ASSISTANCE ACCOUNT GRANTS.—The Emer-  
5 gency Management Performance Grant program and  
6 the Urban Search and Rescue Grants program au-  
7 thorized by title VI of the Robert T. Stafford Dis-  
8 aster Relief and Emergency Assistance Act (42  
9 U.S.C. 5195 et seq.); the Departments of Veterans  
10 Affairs and Housing and Urban Development, and  
11 Independent Agencies Appropriations Act, 2000  
12 (113 Stat. 1047 et seq.); and the Earthquake Haz-  
13 ards Reduction Act of 1977 (42 U.S.C. 7701 et  
14 seq.).

15 **“SEC. 1802. ESSENTIAL CAPABILITIES FOR FIRST RESPOND-**  
16 **ERS.**

17 “(a) ESTABLISHMENT OF ESSENTIAL CAPABILI-  
18 TIES.—

19 “(1) IN GENERAL.—For purposes of covered  
20 grants, the Secretary shall establish clearly defined  
21 essential capabilities for State and local government  
22 preparedness for terrorism, in consultation with—

23 “(A) the Under Secretaries for Emergency  
24 Preparedness and Response, Border and Trans-  
25 portation Security, Information Analysis and



1 Infrastructure Protection, and Science and  
2 Technology, and the Director of the Office for  
3 Domestic Preparedness;

4 “(B) other appropriate Federal agencies;

5 “(C) State and local first responder agen-  
6 cies and officials; and

7 “(D) groups responsible for setting stand-  
8 ards relevant to the first responder community.

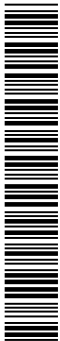
9 “(2) DEADLINES.—The Secretary shall—

10 “(A) establish essential capabilities under  
11 paragraph (1) not later than 120 days after the  
12 date of the enactment of this section; and

13 “(B) regularly update such essential capa-  
14 bilities as necessary, but not less than every 3  
15 years.

16 “(3) PROVISION OF ESSENTIAL CAPABILI-  
17 TIES.—The Secretary shall ensure that essential ca-  
18 pabilities established under paragraph (1) are pro-  
19 vided promptly to the States and to the Congress.  
20 The States shall make the essential capabilities  
21 available as necessary and appropriate to local gov-  
22 ernments within their jurisdictions.

23 “(b) OBJECTIVES.—The Secretary shall ensure that  
24 essential capabilities established under subsection (a)(1)  
25 meet the following objectives:





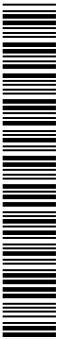
1           “(1) SPECIFICITY.—The determination of es-  
2           sential capabilities specifically shall describe the  
3           training, planning, personnel, and equipment that  
4           different types of communities in the Nation should  
5           possess, or to which they should have access, in  
6           order to meet the Department’s goals for terrorism  
7           preparedness based upon—

8                   “(A) the most current risk assessment  
9                   available by the Directorate for Information  
10                  Analysis and Infrastructure Protection of the  
11                  threats of terrorism against the United States;  
12                  and

13                  “(B) the types of threats, vulnerabilities,  
14                  geography, size, and other factors that the Sec-  
15                  retary has determined to be applicable to each  
16                  different type of community.

17           “(2) FLEXIBILITY.—The establishment of es-  
18           sential capabilities shall be sufficiently flexible to  
19           allow State and local government officials to set pri-  
20           orities based on particular needs, while reaching na-  
21           tionally determined terrorism preparedness levels  
22           within a specified time period.

23           “(3) MEASURABILITY.—The establishment of  
24           essential capabilities shall be designed to enable



1 measurement of progress towards specific terrorism  
2 preparedness goals.

3 “(c) THREATS TO BE CONSIDERED.—

4 “(1) IN GENERAL.—In establishing essential ca-  
5 pabilities under subsection (a)(1), the Secretary spe-  
6 cifically shall consider the variables of threat, vulner-  
7 ability, and consequences with respect to the Na-  
8 tion’s population (including transient commuting  
9 and tourist populations) and critical infrastructure.  
10 Such consideration shall be based upon the most  
11 current risk assessment available by the Directorate  
12 for Information Analysis and Infrastructure Protec-  
13 tion of the threats of terrorism against the United  
14 States.

15 “(2) CRITICAL INFRASTRUCTURE SECTORS.—

16 The Secretary specifically shall consider threats of  
17 terrorism against the following critical infrastructure  
18 sectors in all areas of the Nation, urban and rural:

19 “(A) Agriculture.

20 “(B) Banking and finance.

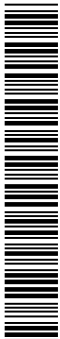
21 “(C) Chemical industries.

22 “(D) The defense industrial base.

23 “(E) Emergency services.

24 “(F) Energy.

25 “(G) Food.



1 “(H) Government.

2 “(I) Postal and shipping.

3 “(J) Public health.

4 “(K) Information and telecommunications  
5 networks.

6 “(L) Transportation.

7 “(M) Water.

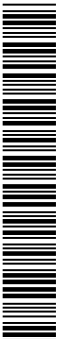
8 The order in which the critical infrastructure sectors  
9 are listed in this paragraph shall not be construed  
10 as an order of priority for consideration of the im-  
11 portance of such sectors.

12 “(3) CONSIDERATION OF ADDITIONAL  
13 THREATS.—In establishing essential capabilities  
14 under subsection (a)(1), the Secretary shall take  
15 into account any other specific threat to a popu-  
16 lation (including a transient commuting or tourist  
17 population) or critical infrastructure sector that the  
18 Secretary has determined to exist.

19 **“SEC. 1803. COVERED GRANT ELIGIBILITY AND CRITERIA.**

20 “(a) GRANT ELIGIBILITY.—Any State or region shall  
21 be eligible to apply for a covered grant.

22 “(b) GRANT CRITERIA.—In awarding covered grants,  
23 the Secretary shall assist States and local governments in  
24 achieving the essential capabilities for first responders es-  
25 tablished by the Secretary under section 1802.



1 “(c) STATE HOMELAND SECURITY PLANS.—

2 “(1) SUBMISSION OF PLANS.—The Secretary  
3 shall require that any State applying to the Sec-  
4 retary for a covered grant must submit to the Sec-  
5 retary a 3-year State homeland security plan that—

6 “(A) demonstrates the extent to which the  
7 State has achieved the essential capabilities  
8 that apply to the State;

9 “(B) demonstrates the additional needs of  
10 the State necessary to achieve the essential ca-  
11 pabilities that apply to the State;

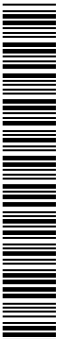
12 “(C) includes a prioritization of such addi-  
13 tional needs based on threat, vulnerability, and  
14 consequence assessment factors applicable to  
15 the State;

16 “(D) describes how the State intends—

17 “(i) to address such additional needs  
18 at the city, county, regional, State, and  
19 interstate level;

20 “(ii) to use all Federal, State, and  
21 local resources available for the purpose of  
22 addressing such additional needs; and

23 “(iii) to give particular emphasis to  
24 regional planning and cooperation, both



1 within its jurisdictional borders and with  
2 neighboring States; and

3 “(E) is developed in consultation with and  
4 subject to appropriate comment by local govern-  
5 ments within the State.

6 “(2) APPROVAL BY SECRETARY.—The Sec-  
7 retary may not award any covered grant to a State  
8 unless the Secretary has approved the applicable  
9 State homeland security plan.

10 “(d) CONSISTENCY WITH STATE PLANS.—The Sec-  
11 retary shall ensure that each covered grant is used to sup-  
12 plement and support, in a consistent and coordinated  
13 manner, the applicable State homeland security plan or  
14 plans.

15 “(e) APPLICATION FOR GRANT.—

16 “(1) IN GENERAL.—Any State or region may  
17 apply for a covered grant by submitting to the Sec-  
18 retary an application at such time, in such manner,  
19 and containing such information as is required  
20 under this subsection, or as the Secretary may rea-  
21 sonably require.

22 “(2) DEADLINES FOR APPLICATIONS AND  
23 AWARDS.—All applications for covered grants must  
24 be submitted to the Secretary no later than Feb-  
25 ruary 15 of the fiscal year for which they are sub-



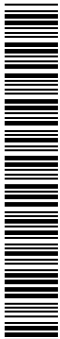
1       mitted. The Secretary shall award covered grants  
2       pursuant to all approved applications for such fiscal  
3       year as soon as practicable, but not later than July  
4       31 of such year.

5           “(3) AVAILABILITY OF FUNDS.—All funds  
6       awarded by the Secretary under covered grants in a  
7       fiscal year shall be available for obligation through  
8       the end of the subsequent fiscal year.

9           “(4) MINIMUM CONTENTS OF APPLICATION.—  
10      The Secretary shall require that each applicant in-  
11      clude in its application, at a minimum—

12           “(A) the purpose for which the applicant  
13      seeks covered grant funds and the reasons why  
14      the applicant needs the covered grant to meet  
15      the essential capabilities for terrorism prepared-  
16      ness within the State or region to which the ap-  
17      plication pertains;

18           “(B) a description of how, by reference to  
19      the applicable State homeland security plan or  
20      plans under subsection (c), the allocation of  
21      grant funding proposed in the application, in-  
22      cluding, where applicable, the amount not  
23      passed through under section 1804(e)(1), would  
24      assist in fulfilling the essential capabilities spec-  
25      ified in such plan or plans;



1 “(C) a statement of whether a mutual aid  
2 agreement applies to the use of all or any por-  
3 tion of the covered grant funds;

4 “(D) if the applicant is a region—

5 “(i) a precise geographical description  
6 of the region and a specification of all par-  
7 ticipating and nonparticipating local gov-  
8 ernments within the geographical area  
9 comprising that region;

10 “(ii) a specification of what govern-  
11 mental entity within the region will admin-  
12 ister the expenditure of funds under the  
13 covered grant; and

14 “(iii) a designation of a specific indi-  
15 vidual to serve as regional liaison;

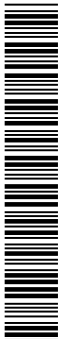
16 “(E) a capital budget showing how the ap-  
17 plicant intends to allocate and expend the cov-  
18 ered grant funds; and

19 “(F) a statement of how the applicant in-  
20 tends to meet the matching requirement, if any,  
21 that applies under section 1804(e)(2).

22 “(5) REGIONAL APPLICATIONS.—

23 “(A) SUBMISSION TO STATE OR STATES.—

24 To ensure the consistency required under sub-  
25 section (d), an applicant that is a region must

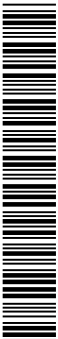


1 simultaneously submit its application to the De-  
2 partment and to each State of which any part  
3 is included in the region.

4 “(B) OPPORTUNITY FOR STATE COM-  
5 MENT.—Before awarding any covered grant to  
6 a region, the Secretary shall provide an oppor-  
7 tunity to each State of which any part is in-  
8 cluded in a region, during the 30-day period be-  
9 ginning on the date on which the region sub-  
10 mits an application for a covered grant, to com-  
11 ment to the Secretary on the consistency of the  
12 region’s plan with the State’s homeland security  
13 plan.

14 “(C) FINAL AUTHORITY.—The Secretary  
15 shall have final authority to determine the con-  
16 sistency of any regional application with the ap-  
17 plicable State homeland security plan or plans  
18 and approve any regional application. The Sec-  
19 retary shall notify each State of which any part  
20 is included in a region of the approval of a re-  
21 gional application for that region.

22 “(D) REGIONAL LIAISONS.—A regional li-  
23 aison designated under paragraph (4)(D)(iii)  
24 shall—





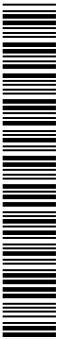
1 “(i) coordinate with Federal, State,  
2 local, regional, and private officials within  
3 the region concerning terrorism prepared-  
4 ness;

5 “(ii) develop a process for receiving  
6 input from Federal, State, local, regional,  
7 and private sector officials within the re-  
8 gion to assist in the development of the re-  
9 gional application and to improve the re-  
10 gion’s access to covered grants; and

11 “(iii) administer, in consultation with  
12 State, local, regional, and private officials  
13 within the region, covered grants awarded  
14 to the region.

15 “(6) EQUIPMENT STANDARDS.—If an applicant  
16 for a covered grant proposes to upgrade or purchase,  
17 with assistance provided under the grant, new equip-  
18 ment or systems that do not meet or exceed any ap-  
19 plicable national voluntary consensus standards es-  
20 tablished by the Secretary under section 1805(a),  
21 the applicant shall include in the application an ex-  
22 planation of why such equipment or systems will  
23 serve the needs of the applicant better than equip-  
24 ment or systems that meet or exceed such standards.

25 “(f) FIRST RESPONDER GRANTS BOARD.—



1           “(1) ESTABLISHMENT OF BOARD.—The Sec-  
2       retary shall establish a First Responder Grants  
3       Board, consisting of—

4           “(A) the Secretary;

5           “(B) the Under Secretary for Emergency  
6       Preparedness and Response;

7           “(C) the Under Secretary for Border and  
8       Transportation Security;

9           “(D) the Under Secretary for Information  
10      Analysis and Infrastructure Protection;

11          “(E) the Under Secretary for Science and  
12      Technology; and

13          “(F) the Director of the Office for Domes-  
14      tic Preparedness.

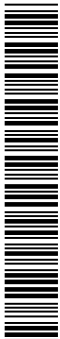
15          “(2) CHAIRMAN.—

16           “(A) IN GENERAL.—The Secretary shall be  
17      the Chairman of the Board.

18           “(B) EXERCISE OF AUTHORITIES BY DEP-  
19      UTY SECRETARY.—The Deputy Secretary of  
20      Homeland Security may exercise the authorities  
21      of the Chairman, if the Secretary so directs.

22          “(3) RANKING OF GRANT APPLICATIONS.—

23           “(A) PRIORITIZATION OF GRANTS.—The  
24      Board shall evaluate and annually prioritize all  
25      pending applications for covered grants based



1 upon the degree to which they would lessen the  
2 threat to, vulnerability of, and consequences for  
3 persons and critical infrastructure.

4 “(B) ACHIEVING NATIONWIDE CAPA-  
5 BILITY.—In evaluating and prioritizing grant  
6 applications under subparagraph (A), the Board  
7 shall—

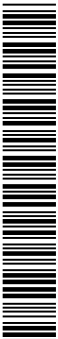
8 “(i) seek to achieve and enhance es-  
9 sential capabilities throughout the Nation;  
10 and

11 “(ii) seek to allocate a portion of the  
12 funds available for covered grants each fis-  
13 cal year for the purpose of making covered  
14 grants to each approved applicant that the  
15 Board determines has demonstrated a  
16 valid need in its application.

17 “(4) FUNCTIONS OF UNDER SECRETARIES.—  
18 The Under Secretaries referred to in paragraph (1)  
19 shall seek to ensure that the relevant expertise and  
20 input of the staff of their directorates are available  
21 to and considered by the Board.

22 **“SEC. 1804. USE OF FUNDS AND ACCOUNTABILITY RE-**  
23 **QUIREMENTS.**

24 “(a) IN GENERAL.—A covered grant may be used  
25 for—



1           “(1) purchasing or upgrading equipment, in-  
2           cluding computer software, to enhance terrorism  
3           preparedness and response;

4           “(2) exercises to strengthen terrorism prepared-  
5           ness and response;

6           “(3) training for prevention (including detec-  
7           tion) of, preparedness for, or response to attacks in-  
8           volving weapons of mass destruction, including train-  
9           ing in the use of equipment and computer software;

10          “(4) developing or updating response plans;

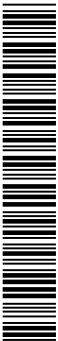
11          “(5) establishing or enhancing mechanisms for  
12          sharing terrorism threat information pursuant to  
13          this Act;

14          “(6) systems architecture and engineering, pro-  
15          gram planning and management, strategy formula-  
16          tion and strategic planning, life-cycle systems de-  
17          sign, product and technology evaluation, and proto-  
18          type development for terrorism preparedness and re-  
19          sponse purposes;

20          “(7) additional personnel costs resulting from—

21               “(A) elevations in the threat alert level of  
22               the Homeland Security Advisory System;

23               “(B) travel to and participation in exer-  
24               cises and training in the use of equipment and  
25               on prevention activities; and



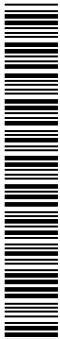
1           “(C) the temporary replacement of per-  
2           sonnel during any period of travel to and par-  
3           ticipation in exercises and training in the use of  
4           equipment and on prevention activities;

5           “(8) the costs of equipment (including software)  
6           required to receive, transmit, handle, and store clas-  
7           sified information;

8           “(9) enhancing facilities to serve as operations  
9           centers, or hardening critical infrastructure against  
10          potential attack by the addition of barriers, fences,  
11          gates, and other such devices;

12          “(10) the costs of commercially available inter-  
13          operable communications equipment (which, where  
14          applicable, is based on national, voluntary consensus  
15          standards) that the Secretary, in consultation with  
16          the Chairman of the Federal Communications Com-  
17          mission, deems best suited to facilitate interoper-  
18          ability, coordination, and integration between and  
19          among emergency communications systems, and that  
20          complies with prevailing grant guidance of the De-  
21          partment for interoperable communications;

22          “(11) educational curricula development for  
23          first responders to ensure that they are prepared for  
24          terrorist attacks;



1           “(12) training and exercises to assist public ele-  
2           mentary and secondary schools in developing and  
3           implementing programs to instruct students regard-  
4           ing age-appropriate skills to prepare for and respond  
5           to an act of terrorism; and

6           “(13) other appropriate activities as determined  
7           by the Secretary.

8           “(b) PROHIBITED USES.—Funds provided as a cov-  
9           ered grant may not be used—

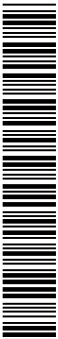
10           “(1) to supplant State or local funds for, or  
11           otherwise support, traditional missions of State and  
12           local law enforcement, firefighters, emergency med-  
13           ical services, or public health agencies, unless such  
14           support serves a dual purpose and the funds are pri-  
15           marily intended to enhance terrorism preparedness;

16           “(2) to construct buildings or other physical fa-  
17           cilities;

18           “(3) to acquire land; or

19           “(4) for any State or local government cost  
20           sharing contribution.

21           “(c) ASSISTANCE REQUIREMENT.—The Secretary  
22           may not request that equipment paid for, wholly or in  
23           part, with funds provided as a covered grant be made  
24           available for responding to emergencies in surrounding  
25           States, regions, and localities, unless the Secretary under-



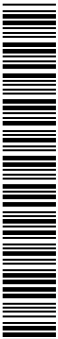
1 takes to pay the costs directly attributable to transporting  
2 and operating such equipment during such response.

3 “(d) FLEXIBILITY IN UNSPENT HOMELAND SECU-  
4 RITY GRANT FUNDS.—Upon request by the recipient of  
5 a covered grant, the Secretary may authorize the grantee  
6 to transfer all or part of funds provided as the covered  
7 grant from uses specified in the grant agreement to other  
8 uses authorized under this section, if the Secretary deter-  
9 mines that such transfer is in the interests of homeland  
10 security.

11 “(e) STATE AND REGIONAL RESPONSIBILITIES.—

12 “(1) PASS-THROUGH.—The Secretary shall re-  
13 quire a recipient of a covered grant that is a State  
14 to obligate or otherwise make available to local gov-  
15 ernments, first responders, and other local groups,  
16 to the extent required under the State homeland se-  
17 curity plan or plans specified in the application for  
18 the grant, not less than 80 percent of the grant  
19 funds, resources purchased with the grant funds  
20 having a value equal to at least 80 percent of the  
21 amount of the grant, or a combination thereof, by  
22 not later than the end of the 45-day period begin-  
23 ning on the date the grant recipient receives the  
24 grant funds.

25 “(2) COST SHARING.—

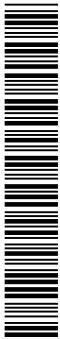


1           “(A) IN GENERAL.—The Federal share of  
2           the costs of an activity carried out with a cov-  
3           ered grant to a State or region awarded after  
4           the 2-year period beginning on the date of the  
5           enactment of this section shall not exceed 75  
6           percent.

7           “(B) INTERIM RULE.—The Federal share  
8           of the costs of an activity carried out with a  
9           covered grant awarded before the end of the 2-  
10          year period beginning on the date of the enact-  
11          ment of this section shall be 100 percent.

12          “(C) IN-KIND MATCHING.—Each recipient  
13          of a covered grant may meet the matching re-  
14          quirement under subparagraph (A) by making  
15          in-kind contributions of goods or services that  
16          are directly linked with the purpose for which  
17          the grant is made, including, but not limited to,  
18          any necessary personnel overtime, contractor  
19          services, administrative costs, equipment fuel  
20          and maintenance, and rental space.

21          “(3) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO LOCAL GOVERNMENTS.—  
22          Any State that receives a covered grant shall certify  
23          to the Secretary, by not later than 30 days after the  
24          expiration of the period described in paragraph (1)  
25





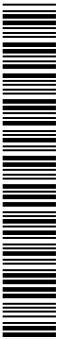
1 with respect to the grant, that the State has made  
2 available for expenditure by local governments, first  
3 responders, and other local groups the required  
4 amount of grant funds pursuant to paragraph (1).

5 “(4) REPORT ON HOMELAND SECURITY SPEND-  
6 ING.—Each recipient of a covered grant shall submit  
7 a report to the Secretary not later than 60 days  
8 after the end of each fiscal year. Each recipient of  
9 a covered grant that is a region must simultaneously  
10 submit its report to each State of which any part is  
11 included in the region. Each report must include the  
12 following:

13 “(A) The amount, ultimate recipients, and  
14 dates of receipt of all funds received under the  
15 grant during the previous fiscal year.

16 “(B) The amount and the dates of dis-  
17 bursements of all such funds expended in com-  
18 pliance with paragraph (1) or pursuant to mu-  
19 tual aid agreements or other sharing arrange-  
20 ments that apply within the State or region, as  
21 applicable, during the previous fiscal year.

22 “(C) How the funds were utilized by each  
23 ultimate recipient or beneficiary during the pre-  
24 ceding fiscal year.



1           “(D) The extent to which essential capa-  
2           bilities identified in the applicable State home-  
3           land security plan or plans were achieved or en-  
4           hanced as the result of the expenditure of grant  
5           funds during the preceding fiscal year.

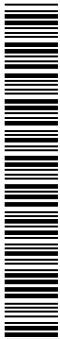
6           “(E) The extent to which essential capa-  
7           bilities identified in the applicable State home-  
8           land security plan or plans remain unmet.

9           “(5) INCLUSION OF RESTRICTED ANNEXES.—A  
10          recipient of a covered grant may submit to the Sec-  
11          retary an annex to the report under paragraph (4)  
12          that is subject to appropriate handling restrictions,  
13          if the recipient believes that discussion in the report  
14          of unmet needs would reveal sensitive but unclassi-  
15          fied information.

16          “(6) PROVISION OF REPORTS.—The Secretary  
17          shall ensure that each report under paragraph (4) is  
18          provided to the Under Secretary for Emergency Pre-  
19          paredness and Response and the Director of the Of-  
20          fice for Domestic Preparedness.

21          “(f) INCENTIVES TO EFFICIENT ADMINISTRATION OF  
22          HOMELAND SECURITY GRANTS.—

23          “(1) PENALTIES FOR DELAY IN PASSING  
24          THROUGH LOCAL SHARE.—If a recipient of a cov-  
25          ered grant that is a State fails to pass through to



1 local governments, first responders, and other local  
2 groups funds or resources required by subsection  
3 (e)(1) within 45 days after receiving funds under the  
4 grant, the Secretary may—

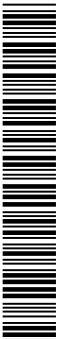
5 “(A) reduce grant payments to the grant  
6 recipient from the portion of grant funds that  
7 is not required to be passed through under sub-  
8 section (e)(1);

9 “(B) terminate payment of funds under  
10 the grant to the recipient, and transfer the ap-  
11 propriate portion of those funds directly to local  
12 first responders that were intended to receive  
13 funding under that grant; or

14 “(C) impose additional restrictions or bur-  
15 dens on the recipient’s use of funds under the  
16 grant, which may include—

17 “(i) prohibiting use of such funds to  
18 pay the grant recipient’s grant-related  
19 overtime or other expenses;

20 “(ii) requiring the grant recipient to  
21 distribute to local government beneficiaries  
22 all or a portion of grant funds that are not  
23 required to be passed through under sub-  
24 section (e)(1); or



1           “(iii) for each day that the grant re-  
2           cipient fails to pass through funds or re-  
3           sources in accordance with subsection  
4           (e)(1), reducing grant payments to the  
5           grant recipient from the portion of grant  
6           funds that is not required to be passed  
7           through under subsection (e)(1), except  
8           that the total amount of such reduction  
9           may not exceed 20 percent of the total  
10          amount of the grant.

11          “(2) EXTENSION OF PERIOD.—The Governor of  
12          a State may request in writing that the Secretary  
13          extend the 45-day period under paragraph (1) for an  
14          additional 15-day period. The Secretary may ap-  
15          prove such a request, and may extend such period  
16          for additional 15-day periods, if the Secretary deter-  
17          mines that the resulting delay in providing grant  
18          funding to the local government entities that will re-  
19          ceive funding under the grant will not have a signifi-  
20          cant detrimental impact on such entities’ terrorism  
21          preparedness efforts.

22          “(3) PROVISION OF NON-LOCAL SHARE TO  
23          LOCAL GOVERNMENT.—

24          “(A) IN GENERAL.—The Secretary may  
25          upon request by a local government pay to the



1 local government a portion of the amount of a  
2 covered grant awarded to a State in which the  
3 local government is located, if—

4 “(i) the local government will use the  
5 amount paid to expedite planned enhance-  
6 ments to its terrorism preparedness as de-  
7 scribed in any applicable State homeland  
8 security plan or plans;

9 “(ii) the State has failed to pass  
10 through funds or resources in accordance  
11 with subsection (e)(1); and

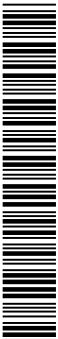
12 “(iii) the local government complies  
13 with subparagraphs (B) and (C).

14 “(B) SHOWING REQUIRED.—To receive a  
15 payment under this paragraph, a local govern-  
16 ment must demonstrate that—

17 “(i) it is identified explicitly as an ul-  
18 timate recipient or intended beneficiary in  
19 the approved grant application;

20 “(ii) it was intended by the grantee to  
21 receive a severable portion of the overall  
22 grant for a specific purpose that is identi-  
23 fied in the grant application;

24 “(iii) it petitioned the grantee for the  
25 funds or resources after expiration of the



1 period within which the funds or resources  
2 were required to be passed through under  
3 subsection (e)(1); and

4 “(iv) it did not receive the portion of  
5 the overall grant that was earmarked or  
6 designated for its use or benefit.

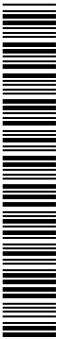
7 “(C) EFFECT OF PAYMENT.—Payment of  
8 grant funds to a local government under this  
9 paragraph—

10 “(i) shall not affect any payment to  
11 another local government under this para-  
12 graph; and

13 “(ii) shall not prejudice consideration  
14 of a request for payment under this para-  
15 graph that is submitted by another local  
16 government.

17 “(D) DEADLINE FOR ACTION BY SEC-  
18 RETARY.—The Secretary shall approve or dis-  
19 approve each request for payment under this  
20 paragraph by not later than 15 days after the  
21 date the request is received by the Department.

22 “(g) REPORTS TO CONGRESS.—The Secretary shall  
23 submit an annual report to the Congress by December 31  
24 of each year—



1 “(1) describing in detail the amount of Federal  
2 funds provided as covered grants that were directed  
3 to each State and region in the preceding fiscal year;

4 “(2) containing information on the use of such  
5 grant funds by grantees; and

6 “(3) describing, on a nationwide and State-by-  
7 State basis—

8 “(A) the extent to which essential capabili-  
9 ties identified in applicable State homeland se-  
10 curity plan or plans were created or enhanced  
11 as the result of the expenditure of covered  
12 grant funds during the preceding fiscal year;

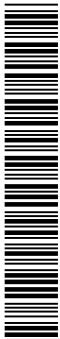
13 “(B) the extent to which essential capabili-  
14 ties identified in applicable State homeland se-  
15 curity plan or plans remain unmet; and

16 “(C) an estimate of the amount of Federal,  
17 State, and local expenditures required to attain  
18 across the United States the essential capabili-  
19 ties established under section 1802(a).

20 **“SEC. 1805. NATIONAL STANDARDS FOR FIRST RESPONDER**  
21 **EQUIPMENT AND TRAINING.**

22 “(a) EQUIPMENT STANDARDS.—

23 “(1) IN GENERAL.—The Secretary, in consulta-  
24 tion with the Under Secretary for Science and Tech-  
25 nology and the Director of the Office for Domestic



1 Preparedness, shall, not later than 6 months after  
2 the date of enactment of this section, support the  
3 development of, promulgate, and update as nec-  
4 essary national voluntary consensus standards for  
5 the performance, use, and validation of first re-  
6 sponder equipment for purposes of section  
7 1803(e)(6). Such standards—

8 “(A) shall be, to the maximum extent prac-  
9 ticable, consistent with any existing voluntary  
10 consensus standards;

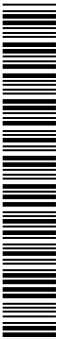
11 “(B) shall take into account, as appro-  
12 priate, new types of terrorism threats that may  
13 not have been contemplated when such existing  
14 standards were developed; and

15 “(C) shall be focused on maximizing inter-  
16 operability, interchangeability, durability, flexi-  
17 bility, efficiency, efficacy, portability, sustain-  
18 ability, and safety.

19 “(2) REQUIRED CATEGORIES.—In carrying out  
20 paragraph (1), the Secretary shall specifically con-  
21 sider the following categories of first responder  
22 equipment:

23 “(A) Thermal imaging equipment.

24 “(B) Radiation detection and analysis  
25 equipment.





1           “(C) Biological detection and analysis  
2 equipment.

3           “(D) Chemical detection and analysis  
4 equipment.

5           “(E) Decontamination and sterilization  
6 equipment.

7           “(F) Personal protective equipment, in-  
8 cluding garments, boots, gloves, and hoods and  
9 other protective clothing.

10           “(G) Respiratory protection equipment.

11           “(H) Interoperable communications, in-  
12 cluding wireless and wireline voice, video, and  
13 data networks.

14           “(I) Explosive mitigation devices and ex-  
15 plosive detection and analysis equipment.

16           “(J) Containment vessels.

17           “(K) Contaminant-resistant vehicles.

18           “(L) Such other equipment for which the  
19 Secretary determines that national voluntary  
20 consensus standards would be appropriate.

21           “(b) TRAINING STANDARDS.—

22           “(1) IN GENERAL.—The Secretary, in consulta-  
23 tion with the Under Secretaries for Emergency Pre-  
24 paredness and Response and Science and Tech-  
25 nology and the Director of the Office for Domestic



1 Preparedness, shall support the development of, pro-  
2 mulgate, and regularly update as necessary national  
3 voluntary consensus standards for first responder  
4 training carried out with amounts provided under  
5 covered grant programs, that will enable State and  
6 local government first responders to achieve optimal  
7 levels of terrorism preparedness as quickly as prac-  
8 ticable. Such standards shall give priority to pro-  
9 viding training to—

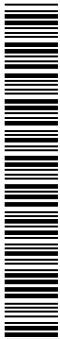
10 “(A) enable first responders to prevent,  
11 prepare for, respond to, and mitigate terrorist  
12 threats, including threats from chemical, bio-  
13 logical, nuclear, and radiological weapons and  
14 explosive devices capable of inflicting significant  
15 human casualties; and

16 “(B) familiarize first responders with the  
17 proper use of equipment, including software,  
18 developed pursuant to the standards established  
19 under subsection (a).

20 “(2) REQUIRED CATEGORIES.—In carrying out  
21 paragraph (1), the Secretary specifically shall in-  
22 clude the following categories of first responder ac-  
23 tivities:

24 “(A) Regional planning.

25 “(B) Joint exercises.



1                   “(C) Intelligence collection, analysis, and  
2                   sharing.

3                   “(D) Emergency notification of affected  
4                   populations.

5                   “(E) Detection of biological, nuclear, radi-  
6                   ological, and chemical weapons of mass destruc-  
7                   tion.

8                   “(F) Such other activities for which the  
9                   Secretary determines that national voluntary  
10                  consensus training standards would be appro-  
11                  priate.

12                  “(c) CONSULTATION WITH STANDARDS ORGANIZA-  
13                  TIONS.—In establishing national voluntary consensus  
14                  standards for first responder equipment and training  
15                  under this section, the Secretary shall consult with rel-  
16                  evant public and private sector groups, including—

17                  “(1) the National Institute of Standards and  
18                  Technology;

19                  “(2) the National Fire Protection Association;

20                  “(3) the National Association of County and  
21                  City Health Officials;

22                  “(4) the Association of State and Territorial  
23                  Health Officials;

24                  “(5) the American National Standards Insti-  
25                  tute;



1           “(6) the National Institute of Justice;  
2           “(7) the Inter-Agency Board for Equipment  
3           Standardization and Interoperability;  
4           “(8) the National Public Health Performance  
5           Standards Program;  
6           “(9) the National Institute for Occupational  
7           Safety and Health;  
8           “(10) ASTM International;  
9           “(11) the International Safety Equipment Asso-  
10          ciation; and  
11          “(12) to the extent the Secretary considers ap-  
12          propriate, other national voluntary consensus stand-  
13          ards development organizations, other interested  
14          Federal, State, and local agencies, and other inter-  
15          ested persons.  
16          “(d) COORDINATION WITH SECRETARY OF HHS.—  
17          In establishing any national voluntary consensus stand-  
18          ards under this section for first responder equipment or  
19          training that involve or relate to public health profes-  
20          sionals, including emergency medical professionals, the  
21          Secretary shall coordinate activities under this section  
22          with the Secretary of Health and Human Services.  
23          **“SEC. 1806. DEFINITIONS.**  
24          “In this title:



1           “(1) BOARD.—The term ‘Board’ means the  
2           First Responder Grants Board established under  
3           section 1803(f).

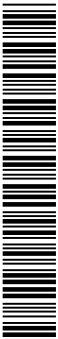
4           “(2) COVERED GRANT.—The term ‘covered  
5           grant’ means any grant to which this title applies  
6           under section 1801.

7           “(3) ELEVATIONS IN THE THREAT ALERT  
8           LEVEL.—The term ‘elevations in the threat alert  
9           level’ means any designation (including those that  
10          are less than national in scope) that raises the  
11          homeland security threat level to either the highest  
12          or second highest threat level under the Homeland  
13          Security Advisory System referred to in section  
14          201(d)(7).

15          “(4) ESSENTIAL CAPABILITIES.—The term ‘es-  
16          sential capabilities’ means the levels, availability,  
17          and competence of emergency personnel, planning,  
18          training, and equipment across a variety of dis-  
19          ciplines needed to effectively and efficiently prevent,  
20          prepare for, and respond to acts of terrorism con-  
21          sistent with established practices.

22          “(5) REGION.—The term ‘region’ means—

23                “(A) any geographic area consisting of all  
24                or parts of 2 or more contiguous States, coun-  
25                ties, municipalities, or other local governments

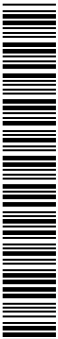


1           that have a combined population of at least  
2           1,650,000 or have an area of not less than  
3           20,000 square miles, and that, for purposes of  
4           an application for a covered grant, is rep-  
5           resented by 1 or more governments or govern-  
6           mental agencies within such geographic area,  
7           and that is established by law or by agreement  
8           of 2 or more such governments or governmental  
9           agencies in a mutual aid agreement; or

10           “(B) any other combination of contiguous  
11           local government units (including such a com-  
12           bination established by law or agreement of two  
13           or more governments or governmental agencies  
14           in a mutual aid agreement) that is formally cer-  
15           tified by the Secretary as a region for purposes  
16           of this Act with the consent of—

17           “(i) the State or States in which they  
18           are located, including a multi-State entity  
19           established by a compact between two or  
20           more States; and

21           “(ii) the incorporated municipalities,  
22           counties, and parishes which they encom-  
23           pass.



1           “(6) FIRST RESPONDER.—The term ‘first re-  
2           sponder’ shall have the same meaning as the term  
3           ‘emergency response provider’.”.

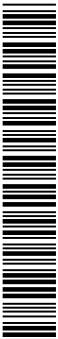
4           (b) DEFINITION OF EMERGENCY RESPONSE PRO-  
5           VIDERS.—Paragraph (6) of section 2 of the Homeland Se-  
6           curity Act of 2002 (Public Law 107–296; 6 U.S.C.  
7           101(6)) is amended by striking “includes” and all that  
8           follows and inserting “includes Federal, State, and local  
9           governmental and nongovernmental emergency public  
10          safety, law enforcement, fire, emergency response, emer-  
11          gency medical (including hospital emergency facilities),  
12          and related personnel, organizations, agencies, and au-  
13          thorities.”.

14          (c) TEMPORARY LIMITATION ON APPLICATION.—The  
15          following provisions of title XVIII of the Homeland Secu-  
16          rity Act of 2002, as amended by subsection (a), shall not  
17          apply during the 2-year period beginning on the date of  
18          the enactment of this Act:

19               (1) Subsections (b), (c), (e) (except paragraph  
20               (5) of such subsection), and (f)(3)(B) of section  
21               1803.

22               (2) Subparagraphs (D) and (E) of section  
23               1804(e)(4).

24               (3) Section 1804(g)(3).



1 **SEC. 4. MODIFICATION OF HOMELAND SECURITY ADVI-**  
2 **SORY SYSTEM.**

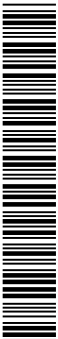
3 (a) IN GENERAL.—Subtitle A of title II of the Home-  
4 land Security Act of 2002 (Public Law 107–296; 6 U.S.C.  
5 121 et seq.) is amended by adding at the end the fol-  
6 lowing:

7 **“SEC. 203. HOMELAND SECURITY ADVISORY SYSTEM.**

8 “(a) IN GENERAL.—The Secretary shall revise the  
9 Homeland Security Advisory System referred to in section  
10 201(d)(7) to require that any designation of a threat level  
11 or other warning shall be accompanied by a designation  
12 of the geographic regions or economic sectors to which the  
13 designation applies.

14 “(b) REPORTS.—The Secretary shall report to the  
15 Congress annually by not later than December 31 each  
16 year regarding the geographic region-specific warnings  
17 and economic sector-specific warnings issued during the  
18 preceding fiscal year under the Homeland Security Advi-  
19 sory System referred to in section 201(d)(7), and the  
20 bases for such warnings. The report shall be submitted  
21 in unclassified form and may, as necessary, include a clas-  
22 sified annex.”.

23 (b) CLERICAL AMENDMENT.—The table of contents  
24 in section 1(b) of the Homeland Security Act of 2002 (6





1 U.S.C. 101 et seq.) is amended by inserting after the item  
2 relating to section 202 the following:

“203. Homeland Security Advisory System.”.

3 **SEC. 5. COORDINATION OF INDUSTRY EFFORTS.**

4 Section 102(f) of the Homeland Security Act of 2002  
5 (Public Law 107–296; 6 U.S.C. 112(f)) is amended by  
6 striking “and” after the semicolon at the end of paragraph  
7 (6), by striking the period at the end of paragraph (7)  
8 and inserting “; and”, and by adding at the end the fol-  
9 lowing:

10 “(8) coordinating industry efforts, with respect  
11 to functions of the Department of Homeland Secu-  
12 rity, to identify private sector resources and capabili-  
13 ties that could be effective in supplementing Federal,  
14 State, and local government agency efforts to pre-  
15 vent or respond to a terrorist attack.”.

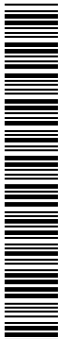
16 **SEC. 6. SUPERSEDED PROVISION.**

17 This Act supersedes section 1014 of Public Law 107–  
18 56.

19 **SEC. 7. SENSE OF CONGRESS REGARDING INTEROPERABLE**  
20 **COMMUNICATIONS.**

21 (a) FINDING.—The Congress finds that—

22 (1) many first responders working in the same  
23 jurisdiction or in different jurisdictions cannot effec-  
24 tively and efficiently communicate with one another;  
25 and



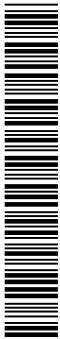
1           (2) their inability to do so threatens the public's  
2       safety and may result in unnecessary loss of lives  
3       and property.

4       (b) SENSE OF CONGRESS.—It is the sense of the  
5       Congress that interoperable emergency communications  
6       systems and radios should continue to be deployed as soon  
7       as practicable for use by the first responder community,  
8       and that upgraded and new digital communications sys-  
9       tems and new digital radios must meet prevailing national,  
10      voluntary consensus standards for interoperability.

11   **SEC. 8. SENSE OF CONGRESS REGARDING CITIZEN CORPS**  
12                           **COUNCILS.**

13       (a) FINDING.—The Congress finds that Citizen  
14       Corps councils help to enhance local citizen participation  
15       in terrorism preparedness by coordinating multiple Citizen  
16       Corps programs, developing community action plans, as-  
17       sessing possible threats, and identifying local resources.

18       (b) SENSE OF CONGRESS.—It is the sense of the  
19       Congress that individual Citizen Corps councils should  
20       seek to enhance the preparedness and response capabilities  
21       of all organizations participating in the councils, including  
22       by providing funding to as many of their participating or-  
23       ganizations as practicable to promote local terrorism pre-  
24       paredness programs.



1 **SEC. 9. STUDY REGARDING NATIONWIDE EMERGENCY NO-**  
2 **TIFICATION SYSTEM.**

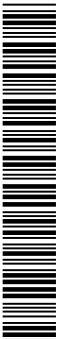
3 (a) STUDY.—The Secretary of Homeland Security, in  
4 consultation with the heads of other appropriate Federal  
5 agencies and representatives of providers and participants  
6 in the telecommunications industry, shall conduct a study  
7 to determine whether it is cost-effective, efficient, or fea-  
8 sible to establish and implement an emergency telephonic  
9 alert notification system that will—

10 (1) alert persons in the United States of immi-  
11 nent or current hazardous events caused by acts of  
12 terrorism; and

13 (2) provide information to individuals regarding  
14 appropriate measures that may be undertaken to al-  
15 leviate or minimize threats to their safety and wel-  
16 fare posed by such events.

17 (b) TECHNOLOGIES TO CONSIDER.—In conducting  
18 the study, the Secretary shall consider the use of the tele-  
19 phone, wireless communications, and other existing com-  
20 munications networks to provide such notification.

21 (c) REPORT.—Not later than 9 months after the date  
22 of the enactment of this Act, the Secretary shall submit  
23 to the Congress a report regarding the conclusions of the  
24 study.



1 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

2 For making covered grants (as that term is defined  
3 in section 1806 of the Homeland Security Act of 2002,  
4 as amended by this Act) there is authorized to be appro-  
5 priated to the Secretary of Homeland Security  
6 \$3,400,000,000 for fiscal year 2006.

